

Mara Long  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
Clemmons, NC 27612

2008 NOV 13 A 11: 26

November 6, 2008

MUR # 6130

Thomasenia Duncan, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: Complaint against Roy Carter for Congress Committee.

Dear Ms. Duncan:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Roy Carter for Congress Committee ("Carter Campaign"). Roy Carter is a candidate for Congress in the 5<sup>th</sup> District of North Carolina.

The facts in this matter indicate that the Carter Campaign accepted contributions of \$1,000 or more after the 20<sup>th</sup> day, but failed to report these contributions in a timely manner to the Federal Election Commission ("FEC" or "Commission"). According to the Instructions for FEC Form 6, the principal campaign committees must file 48-hour notices on contributions of \$1,000 or more received after the 20<sup>th</sup> day, but more than 48 hours, before 12:01 a.m. of the day any election in which the candidate participates. See *Exhibit A*

The Carter Campaign received five contributions after the 20<sup>th</sup> day and these contributions were not reported until November 1, 2008. See *Exhibit B*

The Carter Campaign blatantly disregarded the law with regard to contributions and reporting requirements of the FEC. Accordingly, we respectfully request that the Commission must conduct an immediate investigation into this violation outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,

Mara Long

Sworn to and subscribed before me this 6<sup>th</sup> day of November, 2008.

Amy G Powers  
Notary Public

AMY G POWERS  
NOTARY PUBLIC  
DAVIE COUNTY NC  
MY COMMISSION EXPIRES 6/11/2009

My Commission Expires: 6/11/2009

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# INSTRUCTIONS FOR FEC FORM 6

## FEDERAL ELECTION COMMISSION

### Instructions For FEC FORM 6 (48-Hour Notice of Contributions/Loans Received)

#### Who Must File FEC Form 6

Principal campaign committees must file 48-hour notices on contributions of \$1,000 or more received after the 20th day, but more than 48 hours, before 12:01 a.m. of the day of any election in which the candidate participates.

Committees may disclose these contributions on FEC Form 6 or in a letter containing the same information. Note: Principal campaign committees (except for those of Senate candidates) must file reports in an electronic format under 11 CFR 104.18 if they have either received contributions or made expenditures in excess of \$50,000, or if they have reason to expect that they will exceed either of those thresholds during the calendar year. See the instructions for Form 3, Report of Receipts and Disbursements, for more information about when committees have reason to expect they will exceed the electronic filing thresholds. If the committee has reached this level of activity, **DO NOT FILE THIS FORM ON PAPER.** Instead, you must file this form in an electronic format. Contact the FEC for more information on filing electronically.

The 48-hour notice requirement applies to all types of elections—primary, convention, general, runoff and special—and even when a candidate is unopposed in an election.

This requirement applies to all contributions of \$1,000 or more, including:

- Monetary and in-kind contributions;
- Guarantees and endorsements of bank loans;
- Loans (other than bank loans);
- Advances;
- Contributions, personal loans, endorsements of bank loans and advances made by the candidate; and

- Candidate draws on personal credit cards.

The 48-hour notice requirement does not apply to contributions that have been previously disclosed on reports filed by the committee.

**Special Notice When Millionaires' Amendment is in Effect:** The 48-hour notice requirement for candidate contributions, candidate personal loans, candidate advances, or endorsements of loans from a lending institution by the candidate of \$1,000 or more received after the 20th day but more than 48 hours before 12:01 a.m. on the day of the election, may be satisfied by filing an FEC Form 10, 24-Hour Notice of Expenditure of Personal Funds, in the limited circumstance where those same receipts are instead disclosed on FEC Form 10 within the same time frame. Please note that FEC Form 10 must be filed within 24 hours after the date of receipt if the threshold for the Millionaires' Amendment is exceeded. See 11 CFR 400.21, 400.22 and the instructions for FEC Form 10 for more information. (Please note that the Millionaires' Amendment only applies to House and Senate candidates.)

**Example:** Eighteen days before his primary election, Joe Candidate loans \$500,000 from his personal funds to his campaign. Because the amount is over \$1,000 and the loan was made after the 20th day but more than 48 hours before the election, Joe's campaign must file Form 6 to disclose the last-minute contribution. 11 CFR 104.5(f). Since the candidate's loan exceeds the personal funds threshold amount (i.e., \$350,000 for a House campaign), Joe's campaign must also file Form 10 within 24 hours to disclose his expenditure of personal funds. 11 CFR 400.21. In this limited circumstance, where the same expenditure triggers

the requirement to file both Form 6 and Form 10, the campaign need only file Form 10 (within 24 hours), checking box 13a and providing the required information to fulfill the Form 6 filing requirement.

#### When to File

FEC Form 6 must be received by the federal and state (where required) filing offices within 48 hours after a campaign's receipt of any contribution of \$1,000 or more received after the 20th day, but more than 48 hours before, the date of any election in which the candidate participates. A postmark date is not significant for purposes of filing on time. If filed electronically, the form must be received and validated by the Commission's computer system on or before 11:59 p.m. Eastern Standard/Daylight Savings Time on the prescribed filing date. Committees that are not required to file electronically may file this form either electronically or via facsimile machine to the numbers listed below.

#### Where to File

Senate candidate committees file with the Secretary of the Senate.

Secretary of the Senate  
Office of Public Records  
232 Hart Senate Office Building  
Washington, DC 20510-7116  
Fax number for  
Secretary of the Senate:  
(202) 224-1851.

All other candidate committees file with the FEC.

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
Fax number for FEC:  
(202) 219-0174

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## INSTRUCTIONS FOR FEC FORM 8

Principal candidate committees of House candidates in Guam or Puerto Rico must file a copy of this form in their territory. Presidential candidate committees must simultaneously file copies of this form with the appropriate state officer in Guam or Puerto Rico if the committee has made expenditures in those territories. As of August 2005, those states/territories had not qualified for the Commission's state filing waiver program.

### What to Report

Fill in the information requested in the spaces provided.

Lines 1-4. Include the name and address of the committee, name of the candidate, the office sought by the candidate and your committee's FEC identification number.

For each contribution of \$1,000 or more, provide the following information for each contributor:

- Full name (including first name, middle name or initial, if available, and last name);
- Mailing address;
- Occupation and name of employer;
- Date of receipt; and
- Amount of contribution.

In the case of contributions from any other person (including contributions from political committees), provide the contributor's full name and address, the date of receipt and the amount of the contribution.

The committee must itemize the contributions and loans a second time in the first report filed after the election.

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# **48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED** (See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

**1. NAME OF COMMITTEE IN FULL**

ROY CARTER FOR CONGRESS COMMITTEE

**ADDRESS (number and street)**

280 SEVERT RD

**CITY, STATE, and ZIP CODE**

GLENDALE SPRINGS

NC

28629

**2. NAME OF CANDIDATE**

Roy Carter

**3. OFFICE SOUGHT (State and District)**

House NC 05

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

**4. FEC IDENTIFICATION NUMBER**  
C00439489

**SIGNATURE (Optional)**

John Rhineberger

**DATE**

11/01/2008

**For further information contact:**

Federal Election Commission  
999 E Street, NW, Washington, DC 20463  
Toll Free 800-424-9630, Local 202-694-1100

**FEC FORM 6**

(Revised 1/2001)

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**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**  
 (continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

**Name of Individual, Organization, or Corporation**
**ROY CARTER FOR CONGRESS COMMITTEE**

<b>Full Name, Address, and ZIP Code</b> Miller, Ralph Bradley PO Box 10322 Raleigh NC 27605	<b>Name of Employer</b>	<b>Date (month, day, year)</b> 10/24/2008	<b>Amount Received this Period</b> \$1000.00
	<b>Occupation</b>		
<b>Full Name, Address, and ZIP Code</b> NEA Fund for Children & Public Education 1201 16th Street NW Suite 420 Washington DC 20036	<b>Name of Employer</b>	<b>Date (month, day, year)</b> 10/24/2008	<b>Amount Received this Period</b> \$1000.00
	<b>Occupation</b>		
<b>Full Name, Address, and ZIP Code</b> Mr. Gary Ross 1801 Cloverfield Blvd. Santa Monica CA 90404	<b>Name of Employer</b> Self	<b>Date (month, day, year)</b> 10/28/2008	<b>Amount Received this Period</b> \$1000.00
	<b>Occupation</b> Writer / Director		
<b>Full Name, Address, and ZIP Code</b> Spratt, John PO Box 10988 Rock Hill SC 29731	<b>Name of Employer</b>	<b>Date (month, day, year)</b> 10/30/2008	<b>Amount Received this Period</b> \$1000.00
	<b>Occupation</b>		
<b>Full Name, Address, and ZIP Code</b> Watt, Mel PO Box 36831 Charlotte NC 28236	<b>Name of Employer</b>	<b>Date (month, day, year)</b> 10/31/2008	<b>Amount Received this Period</b> \$1000.00
	<b>Occupation</b>		

**TOTAL THIS PERIOD (last page only)**
**\$6000.00**